

THE STANDARD OF JUDGMENT.

Whatever objections may justly or unjustly be alleged against the President's statement, in his late letter to Col. Hodges, of the ground on which he plants himself in defence of his policy as regards slavery and its relations to the war, none can deny to it the merit of candor. He frankly admits that that policy was "unconstitutional," until, in the order of time and in the progress of events, it became, in his judgment, "indispensable to the preservation of the Constitution through the preservation of the Nation." As soon as it became, in his opinion, "indispensable to the preservation of the Constitution" that he should adopt a measure "otherwise unconstitutional," that measure then became "lawful."

This view of duty, as construed to his own mind by the President, is very instructive in more aspects than one. It appears from it that the President's notions of what is "lawful" under the Constitution are determined by the physical necessities of the war, as those necessities are regarded from the point of view taken by the Executive. Thus the constitutional legitimacy of particular measures, instead of being settled by the text and interpretation of the Constitution, becomes a question depending for its decision on the course of events and the mutable opinions of the Chief Magistrate of the country called to determine the complexion of these events. And this being so, we can readily perceive why the President practices a large toleration, as we know he does, and in which he sets a good example to some others, towards those who, in all candor and honesty, do not concur with him in his views of constitutional duty on this point. As the President concedes that, apart from their conceived "necessity," the measures he so reluctantly and hesitatingly adopted were "otherwise unconstitutional," it is obvious that he yields to the opponents of his policy the advantage of being theoretically right, as they were also practically right until he changed his practice. And, as he did not adopt these "otherwise unconstitutional measures" until they seemed to him indispensable, it is equally obvious that, in a matter of human opinion, he concedes to others the same liberty of judgment as to their indispensability which he assumes to himself. He deemed certain measures, "otherwise unconstitutional," to be indispensable to the preservation of the Constitution. Whoever, with the lights before him, is compelled to believe that, so far from being indispensable to the preservation of the Constitution, they must be fatal to its supremacy, is bound by the very same rule of duty which the President avails to regard these measures as still "unconstitutional," for the President, in giving in to them a reluctant and dilatory adherence, seemed to be to his own mind only so far as they seemed to be "indispensable." And this view, if sound for no other purpose, is at least valuable for the clear light in which it sets the grounds of the charity extended, as we know, by the President to many men, inside and outside of his party, who do not share his practical any more than his theoretical views in regard to the standard by which the Constitution should be interpreted in the present emergency. That standard, as we understand it, has never been better defined than in the following words of Senator COLLAMER, for whose opinions we are sure, the President entertains a respect shared by the whole country:

"If we are constrained to call upon, invoke, and put in exercise in any one department of the Government—more or less of power, more or less of authority, more or less of force, more or less of the existence of a nation, and our experiment is a failure. We should, therefore, particularly in a period like this, carefully study and sacredly regard all the limitations and provisions of the Constitution. It is vain and idle in us to agitate a sort of our people because they have made war upon the Government if we at the same time have to sap the foundations of the Government by stabbing through the vitals of the Constitution."

THE WAR IN GEORGIA.

A GREAT BATTLE IN PROGRESS.

WASHINGTON, MAY 10—7 o'clock A. M.

To Major Gen. DIX: A despatch from Gen. Sherman, received at midnight, states that we are fighting for the possession of "Rocky Face Ridge," and I have knowledge that McPherson took the Snake Creek Gap, and was within seven miles of Resaca this morning. We will remember that on Saturday the rebels were forced from Tunnel Hill by Gen. Thomas, and took a position at Buzzard's Roost, in a bend of Mill Creek, just north of Dalton. This represented to be a very strong position, which General Thomas was unable to drive the enemy from on a former occasion, when he advanced on Dalton. But Resaca is a position on the railroad about fifteen miles south of Dalton, and this will place McPherson with a strong corps of veteran troops in the rear of the enemy, while General Thomas advances upon their front and Gen. Schofield closes in on the flank from Cleveland. It is probable that a great battle was fought on that line yesterday, and may be now in progress. Gen. Joe Johnston commands the rebel forces.

Nothing since my last despatch has been heard from the Army of the Potomac or from Gen. Butler.

EDWIN M. STANTON, Secretary of War.

GENERAL STONE.

From the St. Louis Republican.

Gen. Stone certainly has had hard luck. He lay for a long time in prison, until charged with conspiracy with the disaffected at Bull's Bluff, but, after months of confinement, was finally released without examination, and ordered to report to Gen. Banks in the Department of the Gulf.

Recently he has been relieved from his command, by the War Department, and is now at the residence of his wife, and has come North resting under an impression affecting his conduct in the late battles on Red river. We observe, however, that Gen. Ransom, who behaved himself with such gallantry in the late battle of Sabine Cross Roads, does not share in any unfavorable opinion of Gen. Stone.

The following is a letter written by Gen. R. to the Chicago Journal:

"I notice in your paper of the 7th instant a letter from Gen. Stone, dated April 10th, from your correspondent, signed 'Hawkeye,' who, in speaking of the battle of the 7th, says Gen. Stone, chief of Gen. Banks' staff, was on the field and took direction of the movement, &c. I would state that I received no orders from Gen. Stone on that day, and as far as I know and believe, he was not responsible for the advance or disposition of the force engaged. I make this correction as an act of justice to a distinguished and meritorious officer who endeavored himself to the Army of the Gulf by his gallant conduct in the battles of the 4th and 9th instants."

Respectfully, yours,
T. K. G. KASSON, Brig. Gen. U. S. A.

Brigadier General EDWARD R. S. CANNY was confirmed by the Senate on Saturday last as a Major General of Volunteers, and the same evening set out for the Southwest, under orders to relieve General BANKS of his command.

THE RED RIVER FLEET.

Official Account of Rebel Attacks upon it, and of the blowing up of the Eastport.

MISSISSIPPI SQUADRON, FLAGSHIP CRICKET, Off Alexandria, (La.) April 28, 1864.

Hon. GIDEON WELLES, Secretary of the Navy.

SIR: I had the honor to inform you, in my communication No. 106, of the sinking of the Eastport while proceeding down to Alexandria, caused by the explosion of a torpedo under her bottom and near her bow.

On hearing this bad news I proceeded at once to the vessel and found her sunk to the gun-deck, the water over it on one side. I saw that no time was to be lost, and went to Alexandria, in hopes of finding one of our steam pump-boats there.

On the 29th I was informed by the officers and crew of the vessel that they had been taken out and all her ammunition transferred to other vessels, which was done by the time I reached her again, forty-eight hours after the pump-boats were up.

I was detained a day in Alexandria, making a different disposition of the vessel, and then proceeded to the Eastport, where I found the vessel lying at anchor, and had been hauled fifteen times, without one man killed. The firing above had ceased, and the channel was very intricate, and the vessel was in the place of the vessel.

When the rebels had followed our army to the point where they could effect no more, all their attention was turned to the little squadron I had securing the Eastport. Every man and gun was brought to the river, and the vessel was in the place of the vessel.

On the 30th of April I went down to the Eastport again, and, after informing the commander how matters stood, we concluded that it was necessary to run some risks if we wished to save the vessel. She was now slightly resting on the bottom on one side, and steam had been raised on her.

On the 31st she started in tow of the pump-boats, and, on the 1st of May, she was in the place of the vessel. On the 2nd of May, she was in the place of the vessel. On the 3rd of May, she was in the place of the vessel.

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and, as the battery was a very heavy one, I determined to sink it, which was done under the heaviest fire I ever witnessed.

I attempted to turn her head up stream to attack with our two bow guns, the only guns left, but this was impracticable, I let her drift down around the point, and she was sunk by the enemy's batteries.

For a moment, and enabled the light-drift Juliet and pump-boat Champion, lashed together, to escape from under the bank where they had drifted. The Juliet had the steam pipe cut and became disabled, having drifted down to the bottom, and the Champion had her boiler exploded by a shot, I ran down to a point three or four miles below, where I had ordered two iron-clads to meet me in case of necessity. Unfortunately, I ran about a short time after passing the batteries, and remained there three hours, took fire in the mean time from the explosion of some cartridges, the box containing which had been struck by the enemy's shot. It was after dark when I reached the appointed place, where I found the Juliet disabled, and that one of the pump-boats had her boiler exploded by a shot, I ran down to a point three or four miles below, where I had ordered two iron-clads to meet me in case of necessity. 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